

REMARKS

Applicants thank the Examiner for the very thorough consideration given the present application.

Claims 11-14 and 18-24 are now present in this application. Claims 11 and 22 are independent.

Claims 22-24 have been added. Reconsideration of this application, as amended, is respectfully requested.

I. Drawings

The Office Action indicates that the proposed drawing corrections filed on May 27, 2003 are approved by the Examiner. Attached hereto are formal drawings for Figs. 12, 14 and 16.

II. Rejection Under 35 U.S.C. § 102/ 35 U.S.C. § 103

Claims 11-14, 18 and 19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Morikawa et al. (U.S. Patent No. 5,173,893).

Claims 20 and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Morikawa et al. (U.S. Patent No. 5,173,893) in view of Agostini (U.S. Patent 4,674,079). These rejections are respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

Applicants respectfully submit that independent claim 11 recites a combination of elements in a disk transferring device for a disk drive including a holder guide unit, and a selection guide unit which is connected with the holder guide unit for positioning the disk according to the size of the disk. Applicants respectfully submit that this combination of elements as set forth in independent claim 11 is not disclosed or made obvious by the prior art of record, including Morikawa et al.

Applicants respectfully submit that the Examiner continues to misinterpret the recitation of Applicant's invention so as to read upon cited references. Referring to Applicant's pending claim 11, the Examiner alleges that the claimed "holder guide unit" corresponds to Morikawa's centering lever 15 (unlike the Examiner's previous rejections relying upon Morikawa's arm lock mechanism 59), and that the claimed "selection guide unit" corresponds to Morikawa's first line 42.

However, [Applicants submit there is no teaching or suggestion in Morikawa of "a selection guide unit which is connected with the holder guide unit..." as in pending claim 11.]

Referring to Morikawa's Figure 9, the first link 42 is not connected with the centering lever 15. Instead, the first link 42 moves the second link 43, which

then engages or disengages with piece 131 of the centering arm 13. In interpreting Morikawa [although it may be arguable that the first link 42 “cooperates” with the centering lever 15 (through elements 43, 131 and 13), it is surely unreasonable for the Examiner to assert that the first link 42 is “connected with” the centering lever 15. Otherwise, any element that cooperates with another element would be “connected “ thereto, according to the Examiner’s allegation. For example, under the Examiner’s interpretation, the driving rollers 9a and 9b, swing arm 38, etc. of Morikawa would also be “connected with” the centering lever 15. Surely, this type of interpretation is both unreasonable and improper.] 10

Furthermore, had the first link 42 and centering lever 15 been connected with one another, the engaging and disengaging operation of Morikawa would not be possible, because the first link 42 and the centering lever 15 would move together without any engaging or disengaging occurring therebetween.

Therefore, Applicants’ claimed invention can have a disc inserted precisely by the balance guide unit (100), then move precisely by the holder guide unit (350) until the disc transfer is finished (See Fig. 16 and 17). By contrast, the disc player of Morikawa et al. can guide a disc by the centering arms (13,14) only at the inserting stage. Thus, after the disc is detached from the centering arms (13,14), there is no element to guide the inserted disc.

Furthermore, the balance guide unit (100), the holder guide unit (350) and the selection guide unit (800) of the claimed invention are operationally linked to each other in sequence. Thus, the location of the selection guide unit (800) can be changed by the holder guide unit (350) according to the size of inserted disc (See Fig. 16 and 20). And, there is no need to add another element to discriminate the size of inserted disc.

However, the first link (42) of Morikawa et al. does not move by the movement of the centering arms (13,14) and the centering lever (15). Thus, Morikawa et al. needs the operation assist board (34) and the depressing assist mechanism (37) comprising a pair of swing arms (38,39) and a tension spring (40) for having the first link (42) operated by the 8cm disc (See Morikawa's Fig. 6-9, and column 5 line 60 – column 6, line 41).

Thus, Applicants' claimed invention overcomes the problems of Morikawa et al. in that the claimed invention can save the number of elements and locate a disc at the clamp precisely.

Consequently, Applicants' claimed invention is not anticipated by nor rendered obvious over Morikawa et al. based upon at least the reasons stated above.

Applicants respectfully submit that the combination of elements as set forth in independent claim 11 is not disclosed or made obvious by the prior art of

record, including Morikawa et al., for the reasons explained above. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

With regard to dependent claims 12-14 and 18-21, Applicants submit that these claims depend, either directly or indirectly, from independent claim 11 which is allowable for the reasons set forth above, and therefore claims 12-14 and 18-21 are allowable based on their dependence from claim 11. Reconsideration and allowance thereof are respectfully requested.

III. Claims 22-24

Claims 22-24 have been added for the Examiner's consideration.

Independent claim 22 recites a combination of elements in a disk transferring device for a disk drive including a first guide component to guide a disk being inserted into or removed from an opening of the disk drive; and a second guide component operatively connected with the first guide element to guide the disk into and from an inner portion of the disk drive, wherein the first guide component comprises: a pair of guide arms that remain at a first position when guiding edge portions of a disk having a first size, and that move to a second position when guiding edge portions of a disk having a second size; and a transfer device that cooperates with the pair of guide arms to operatively contact with a surface of and transfer the disk inserted into and removed from the disk drive. Applicants respectfully submit that this combination of elements as set

forth in independent claim 22 is not disclosed or made obvious by the prior art of record. Claims 23 and 24 depend from independent claim 22 and are therefore allowable based on their dependence from claim 22 which is believed to be allowable. In addition, claims 23 and 24 recite further limitations which are not disclosed or made obvious by the applied prior art references.

Consideration and allowance of claims 22-24 are respectfully requested.

IV. Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone James T. Eller, Jr., Registration No. 39,538, at (703) 205-8000, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

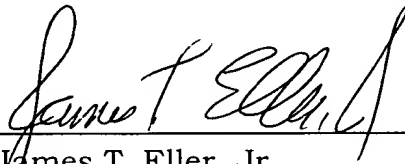
Applicants respectfully petition under the provisions of 37 C.F.R. § 1.136(a) and § 1.17 for a one-month extension of time in which to respond to the Examiner's Office Action. The Extension of Time Fee in the amount of **\$110.00** is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By:


James T. Eller, Jr.
Reg. No.: 39,538

JTE:mmi:sld

P.O. Box 747
Falls Church, Virginia 22040-0747
Telephone: (703)205-8000

Attachment: Replacement Drawing Sheets